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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,457	10/11/2001	Gordon T. Brown	47781-7	9832
7590 03/04/2008				
Alan G. Towner Pietragallo, Bosick & Gordon One Oxford Centre 301 Grant Street, 38th Floor Pittsburgh, PA 15219			EXAMINER RUHL, DENNIS WILLIAM	
			ART UNIT 3689	PAPER NUMBER
			MAIL DATE 03/04/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/975,457

**Applicant(s)**

BROWN, GORDON T.

**Examiner**

Dennis Ruhl

**Art Unit**

3689

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 45-52, 54, 58-70, 74-81, 83-92, 96-108 and 112-119 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-52, 54, 58-70, 74-81, 83-92, 96-108 and 112-119 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/30/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/30/08 has been entered.

The IDS references that are not in the English language have been considered in view of applicant's statements of relevancy regarding these references. Only the English abstracts have been considered for the 3 cited foreign references.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 45-52,54,58-70,74-81,83-92,96-108,112-119, are rejected under 35 U.S.C. 102(b) as being anticipated by Lawlor et al. (5220501).

For claim 45-51,58-70,74-81,83-89,91,96-108,112-119, Lawlor discloses a system and method as claimed. Lawlor discloses a financial accounting computer 52 (that has more than one file) and a plurality of financial transaction computers 54. The transaction computers 54 are programmed to receive data inputs (via a means for establishing inputs such as a keyboard or data entry device) as claimed and are

disclosed as transferring the data inputs (transaction instructions) to the accounting computer 54 (for example see column 7, lines 5-24). The network is 56 and/or 62 (means for transferring the data inputs). The financial transaction computers 54 are programmed to provide interactive access to the file of the accounting computer because it is disclosed that there is a security function that requires users to identify themselves by the use of account numbers and a PIN. This is a way to provide interactive access as claimed (means for providing interactive access). Once the user has access, the user and/or agent can enter data inputs (a new financial transaction such as a transfer of funds or a bill payment), process the data by reviewing the data, adjusting data (changing the amount of a periodic bill that is automatically paid), and deleting data (informing the bank of an incorrect charge that you did not make and having it corrected). A user can perform any and all of the recited functions. Lawlor inherently must have a modem as claimed in claim 91, because one cannot conduct data transfer from one computer to another computer on a network without a modem of some kind. The modem is the device that allows access to the network so that data transfer can occur. It is considered inherent that there is a computer readable medium of some kind (claim 78) that stores the computer programming that "controls" the recited method. An accounting statement is produced as claimed, see column 7, lines 60-63; column 10, lines 24-43; column 14, lines 3-6; and column 15, lines 47-54.

For claims 52,90, Lawlor discloses more than one financial transaction computer 54. Lawlor discloses a plurality of computers 54 and each of the computers 54 is fully capable of transferring data inputs to the file of the accounting computer. This is

because a user can use any computer 54 that they want to, and gain access to the accounting computer to enter new data if so desired. This ability is present in the prior art reference.

For claims 54,92, applicant is reciting a method step directed to the intended use of the apparatus. This defines no structure to the apparatus and because the system of Lawlor can do what has been claimed, Lawlor anticipates what is claimed. For claims 58-60,74-76,96-98,112-114, Lawlor satisfies what has been claimed. A user and/or agent can enter data inputs (a new financial transaction such as a transfer of funds or a bill payment), process the data by reviewing the data, adjusting data (changing the amount of a periodic bill that is automatically paid), and deleting data (informing the bank of an incorrect charge that you did not make and having it corrected). A user can perform any and all of the recited functions.

For claims 80,81,118,119, Lawlor discloses the claimed apparatus. Lawlor discloses a means for establishing a file on the financial accounting computer 52, which is the save function of the computer that allows files to be saved and data to be saved to the files. The means to establish data inputs is the input function of the terminals 54 that take in transaction data that is to be transferred to the accounting computer 52 via a communication network. The means for providing access to the file is taken to be the security function of Lawlor that requires users to identify themselves by the use of account numbers and a PIN. This is a means to provide access as claimed. The means for generating an accounting statement is the software that allows the data to be viewed such as in an account statement or in any of the financial data services

disclosed in column 7, lines 60-63; column 10, lines 24-43; column 14, lines 3-6; and column 15, lines 47-54.

4. Applicant's arguments filed 1/30/08 have been fully considered but they are not persuasive. All applicant submitted for further consideration by the examiner was an IDS. Because the rejection was not traversed on the merits, the examiner must conclude that the rejection is proper; otherwise applicant had a responsibility to point out the supposed errors in the rejection. See 37 CFR 1.111. Applicant's silence as to any supposed errors in the rejection is taken as applicant's agreement that the claims are properly rejected.

5. This is an RCE of applicant's earlier Application No. 09/975457. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis Ruhl/

Primary Examiner, Art Unit 3689